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6 Attorneys for Complainant

7 **BEFORE THE**
8 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against: Case No. 1D-2000-62604

11 BARBARA JEAN STACY
12 31700 Railroad Canyon Road., #3
Canyon Lake, CA 92587

A C C U S A T I O N

13 Physical Therapist License No. PT 9115

14 Respondent.

15 _____
16
17 Complainant alleges:

18 **PARTIES**

19 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Physical Therapy Board of California,
21 Department of Consumer Affairs.

22 2. On or about March 30, 1979, the Physical Therapy Board of California
23 issued Physical Therapist License Number PT 9115 to Barbara Jean Stacy (Respondent). The
24 Physical Therapist License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on August 31, 2003, unless renewed.

26 **JURISDICTION**
27

1 3. This Accusation is brought before the Physical Therapy Board of
2 California (Board) , Department of Consumer Affairs under the authority of the below
3 mentioned statutes and regulations.¹

4 4. Section 2609 of the Code states:

5 The board shall issue, suspend, and revoke licenses and approvals to practice
6 physical therapy as provided in this chapter.

7 5. Section 2660 of the Code states:

8 The board may, after the conduct of appropriate proceedings under the
9 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
10 probationary conditions upon, or issue subject to terms and conditions any license, certificate, or
11 approval issued under this chapter for any of the following causes:

- 12 (a) Advertising in violation of Section 17500.
- 13 (b) Fraud in the procurement of any license under this chapter.
- 14 (c) Procuring or aiding or offering to procure or aid in criminal abortion.
- 15 (d) Conviction of a crime which substantially relates to the qualifications,
16 functions, or duties of a physical therapist. The record of conviction or a certified
17 copy thereof shall be conclusive evidence of that conviction.
- 18 (e) Impersonating or acting as a proxy for an applicant in any examination
19 given under this chapter.
- 20 (f) Habitual intemperance.
- 21 (g) Addiction to the excessive use of any habit-forming drug.
- 22 (h) Gross negligence in his or her practice as a physical therapist.
- 23 (i) Conviction of a violation of any of the provisions of this chapter or of

24
25 1. All statutory references are to the Business and Professions Code (Code) unless
26 otherwise indicated.

1 the State Medical Practice Act, or violating, or attempting to violate, directly or
2 indirectly, or assisting in or abetting the violating of, or conspiring to violate any
3 provision or term of this chapter or of the State Medical Practice Act.

4 (j) The aiding or abetting of any person to violate this chapter or any
5 regulations duly adopted under this chapter.

6 (k) The aiding or abetting of any person to engage in the unlawful
7 practice of physical therapy.

8 (l) The commission of any fraudulent, dishonest, or corrupt act which is
9 substantially related to the qualifications, functions, or duties of a physical
10 therapist.

11 (m) Except for good cause, the knowing failure to protect patients by
12 failing to follow infection control guidelines of the board, thereby risking
13 transmission of blood-borne infectious diseases from licensee to patient, from
14 patient to patient, and from patient to licensee. In administering this subdivision,
15 the board shall consider referencing the standards, regulations, and guidelines of
16 the State Department of Health Services developed pursuant to Section 1250.11
17 of the Health and Safety Code and the standards, regulations, and guidelines
18 pursuant to the California Occupational Safety and Health Act of 1973 (Part 1
19 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing
20 the transmission of HIV, Hepatitis B, and other blood-borne pathogens in health
21 care settings. As necessary, the board shall consult with the Medical Board of
22 California, the California Board of Podiatric Medicine, the Board of Dental
23 Examiners of California, the Board of Registered Nursing, and the Board of
24 Vocational Nursing and Psychiatric Technicians, to encourage appropriate
25 consistency in the implementation of this subdivision.

26 The board shall seek to ensure that licensees are informed of the responsibility of
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1 licensees and others to follow infection control guidelines, and of the most recent scientifically
2 recognized safeguards for minimizing the risk of transmission of blood-borne infectious
3 diseases.

4 6. Section 2661.5 of the Code states:

5 (a) In any order issued in resolution of a disciplinary proceeding before
6 the board, the board may request the administrative law judge to direct any
7 licensee found guilty of unprofessional conduct to pay to the board a sum not to
8 exceed the actual and reasonable costs of the investigation and prosecution of the
9 case.



10 (b) The costs to be assessed shall be fixed by the administrative law judge
11 and shall not in any event be increased by the board. When the board does not
12 adopt a proposed decision and remands the case to an administrative law judge,
13 the administrative law judge shall not increase the amount of the assessed costs
14 specified in the proposed decision.

15 (c) When the payment directed in an order for payment of costs is not
16 made by the licensee, the board may enforce the order of payment by bringing an
17 action in any appropriate court. This right of enforcement shall be in addition to
18 any other rights the board may have as to any licensee directed to pay costs.

19 (d) In any judicial action for the recovery of costs, proof of the board's
20 decision shall be conclusive proof of the validity of the order of payment and the
21 terms for payment.


22 (e) (1) Except as provided in paragraph (2), the board shall not renew
23 or reinstate the license or approval of any person who has failed to pay all
24 of the costs ordered under this section.

25 (2) Notwithstanding paragraph (1), the board may, in its
26 discretion, conditionally renew or reinstate for a maximum of one year the
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1 license or approval of any person who demonstrates financial hardship and
2 who enters into a formal agreement with the board to reimburse the board
3 within that one year period for those unpaid costs.


4 (f) All costs recovered under this section shall be deposited in the
5 Physical Therapy Fund as a reimbursement in either the fiscal year in which the
6 costs are actually recovered or the previous fiscal year, as the board may direct.

7 7. Section 2620.7 of the Code states:

8 AA physical therapist shall document his or her evaluation, goals, treatment plan,
9 and summary of treatment in the patient record. Patient records shall be maintained for a
10 period of no less than seven years following the discharge of the patient, except that the
11 records of unemancipated minors shall be maintained at least one year after the minor has
12  reached the age of 18 years, and not in any case less than seven years.@

13 8. Section 2630 of the Code states:

14 AIt is unlawful for any person or persons to practice, or offer to practice, physical
15 therapy in this state for compensation received or expected, or to hold himself or herself
16 out as a physical therapist, unless at the time of so doing the person holds a valid,
17 unexpired, and unrevoked license issued under this chapter.

18  ANothing in this section shall restrict the activities authorized by their licenses on
19 the part of any persons licensed under this code or any initiative act, or the activities
20 authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or
21 Chapter 7.7 (commencing with Section 3500).

22 AA physical therapist licensed pursuant to this chapter may utilized the services
23 of one aide engaged in patient-related tasks to assist the physical therapist in his or her
24 practice of physical therapy. >Patient-related task= means a physical therapy service
25 rendered directly to the patient by an aide, excluding non-patient-related tasks. >Non-
26 patient-related task= means a task related to observation of the patient, transport of the
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1 patient, physical support only during gait or transfer training, housekeeping duties,
2 clerical duties, and similar functions. The aide shall at all times be under the orders,
3 direction, and immediate supervision of the physical therapist. Nothing in this section
4 shall authorize an aide to independently perform physical therapy or any physical therapy
5 procedure. The board shall adopt regulations that set forth the standards and
6 requirements for the orders, direction, and immediate supervision of an aide by a physical
7 therapist. The physical therapist shall provide continuous and immediate supervision of
8 the aide. The physical therapist shall be in the same facility as, and in proximity to, the
9 location where the aide is performing patient-related tasks, and shall be readily available
10 at all times to provide advice or instruction to the aide. When patient-related tasks are
11 provided to a patient by an aide, the supervising physical therapist shall, at some point
12 during the treatment day, provide direct service to the patient as treatment for the
13 patient's condition, or to further evaluate and monitor the patient's progress, and shall
14 correspondingly document the patient's record.

15 AThe administration of massage, external baths, or normal exercise not a part of a
16 physical therapy treatment shall not be prohibited by this section.@

17 9. Section 2655 of the Code states:

18 AAs used in this article:

19 (a) >Physical therapist= means a physical therapist licensed by the board.

20 (b) >Physical therapist assistant= means a person who meets the
21 qualifications stated in Section 2655.3 and who is approved by the board to assist
22 in the provision of physical therapy under the supervision of a physical therapist
23 who shall be responsible for the extent, kind, and quality of the services provided
24 by the physical therapist assistant.

25 (c) >Physical therapist assistant= and >physical therapy assistant= shall
26 be deemed identical and interchangeable.@

1 10. Section 2655.7 of the Code states:

2 ANotwithstanding Section 2630, a physical therapist assistant may assist in the
3 provision of physical therapy service provided the assistance is rendered under the
4 supervision of a physical therapist licensed by the board.@

5 11. California Code of Regulations, title 16, section 1398.44, states:



6 AA licensed physical therapist shall at all times be responsible for all physical
7 therapy services provided by the physical therapist assistant. The supervising physical
8 therapist has continuing responsibility to follow the progress of each patient, provide
9 direct care to the patient and to assure that the physical therapist assistant does not
10 tion autonomously. Adequate supervision shall include all of the following:

11 A(a) The supervising physical therapist shall be readily available in person or by
12 telecommunication to the physical therapist assistant at all times while the physical
13 therapist assistant is treating patients. The supervising physical therapist shall provide
14 periodic on site supervision and observation of the assigned patient care rendered by the
15 physical therapist assistant.

16 A(b) The supervising physical therapist shall initially evaluate each patient and
17 document in the patient record, along with his or her signature, the evaluation and when
18 the patient is to be reevaluated.

19 A(c) The supervising physical therapist shall formulate and document in each
20 patient's record, along with his or her signature, the treatment program goals and plan
21 based upon the evaluation and any other information available to the supervising physical
22 therapist. This information shall be communicated verbally, or in writing by the
23 supervising physical therapist to the physical therapist assistant prior to initiation of
24 treatment by the physical therapist assistant. The supervising physical therapist shall
25 determine which elements of the treatment plan may be assigned to the physical therapist
26 assistant. Assignment of these responsibilities must be commensurate with the

1 qualifications, including experience, education and training, of the physical therapist
2 assistant.

3 A(d) The supervising physical therapist shall reevaluate the patient as previously
4 determined, or more often if necessary, and modify the treatment, goals and plan as
5 needed. The reevaluation shall include treatment to the patient by the supervising
6 physical therapist. The reevaluation shall be documented and signed by the supervising
7 physical therapist in the patient's record and shall reflect the patient's progress toward the
8 treatment goals and when the next reevaluation shall be performed.

9 A(e) The physical therapist assistant shall document each treatment in the patient
10 record, along with his or her signature. The physical therapist assistant shall document in
11 the patient record and notify the supervising physical therapist of any change in the
12 patient's condition not consistent with planned progress or treatment goals. The change in
13 condition necessitates a reevaluation by a supervising physical therapist before further
14 treatment by the physical therapist assistant.

15 A(f) Within seven (7) days of the care being provided by the physical therapist
16 assistant, the supervising physical therapist shall review, cosign and date all
17 documentation by the physical therapist assistant or conduct a weekly case conference
18 and document it in the patient record. Cosigning by the supervising physical therapist
19 indicates that the supervising physical therapist has read the documentation, and unless
20 the supervising physical therapist indicates otherwise, he or she is in agreement with the
21 contents of the documentation.

22 A(g) There shall be a regularly scheduled and documented case conference
23 between the supervising physical therapist and physical therapist assistant regarding the
24 patient. The frequency of the conferences is to be determined by the supervising physical
25 therapist based on the needs of the patient, the supervisory needs of the physical therapist
26 assistant and shall be at least every thirty calendar days.

1 A(h) The supervising physical therapist shall establish a discharge plan. At the
2 time of discharge, or within 7 (seven) days thereafter, a supervising physical therapist
3 shall document in the patient's record, along with his or her signature, the patient's
4 response to treatment in the form of a reevaluation or discharge summary.@

5 12. California Code of Regulations, title 16, section 1399, states:

6 AA physical therapy aide is an unlicensed person who assists a physical therapist
7 and may be utilized by a physical therapist in his or her practice by performing
8 nonpatient related tasks, or by performing patient related tasks.

9 A(a) As used in these regulations:



10 A(1) A patient related task@ means a physical therapy service rendered directly
11 to the patient by an aide, excluding nonpatient related tasks as defined below.

12 A(2) A nonpatient related task@ means a task related to observation of the
13 patient, transport of patients, physical support only during gait or transfer training,
14 housekeeping duties, clerical duties and similar functions.

15 A(b) AUnder the orders, direction and immediate supervision@ means:

16 A(1) Prior to the initiation of care, the physical therapist shall evaluate every
17 patient prior to the performance of any patient related tasks by the aide. The evaluation
18 shall be documented in the patient's record.

19 A(2) The physical therapist shall formulate and record in the patient's record a
20 treatment program based upon the evaluation and any other information available to the
21 physical therapist, and shall determine those patient related tasks which may be assigned
22 to an aide. The patient's record shall reflect those patient related tasks that were rendered
23 by the aide, including the signature of the aide who performed those tasks.

24 A(3) The physical therapist shall assign only those patient related tasks that can be
25 safely and effectively performed by the aide. The supervising physical therapist shall be
26 responsible at all times for the conduct of the aide while he or she is on duty.

1 A(4) The physical therapist shall provide continuous and immediate supervision
2 of the aide. The physical therapist shall be in the same facility as and in immediate
3 proximity to the location where the aide is performing patient related tasks, and shall be
4 readily available at all times to provide advice or instruction to the aide. When patient
5 related tasks are provided a patient by an aide the supervising physical therapist shall at
6 some point during the treatment day provide direct service to the patient as treatment for
7 the patient's condition or to further evaluate and monitor the patient's progress, and so
8 document in the patient's record.

9 A(5) The physical therapist shall perform periodic re-evaluation of the patient as
10 necessary and make adjustments in the patient's treatment program. The re-evaluation
11 shall be documented in the patient's record.

12 A(6) The supervising physical therapist shall countersign with their first initial
13 and last name, and date all entries in the patient's record, on the same day as patient
14 related tasks were provided by the aide.@

15 FIRST CAUSE FOR DISCIPLINE

16 (Gross Negligence)

17 13. Respondent is subject to disciplinary action under section 2660,
18 subsection (h), of the Code in that respondent was grossly negligent in her practice as a physical
19 therapist. The circumstances are as follows:

20 Patient L.J.

21 A. On or about May 19, 2000, patient L.J. presented to respondent with a
22 diagnosis of joint pain, lower leg, and fibromatosis, plantar fascial. Respondent provided
23 physical therapy to patient L.J. on approximately eleven dates between on or about May
24 19, 2000, and on or about July 19, 2000. On each occasion, respondent provided
25 treatment modalities with ice, whirlpool, electrical muscle stimulation, myofascial release
26 and/or exercise. Respondent=s records do not indicate where the treatment was

provided, how the treatment was provided nor what the results of the treatment were. Patient L.J. was a workers compensation patient and a workers comp carrier was billed for the therapy provided.

B. On or about June 12, 2000, respondent=s chart for patient L.J. indicates that respondent provided physical therapy to patient L.J. However, respondent was at a PTOS seminar at Disneyland on this date and could not have provided therapy. Respondent billed workers comp \$250.00 for therapy for this date as if she had provided it.

C. Respondent was grossly negligent when she (1) failed between May 19, and July 19, 2000, to properly document patient L.J.=s chart as to where the treatment was provided, how the treatment was provided and what the results of the treatment were; (2) created a false record by initialing for care on June 12, 2000, that she did not provide; (3) falsely billed workers comp for therapy on June 12, 2000, as if she had provided it; and (4) aided and abetted the unlicensed practice of physical therapy by permitting an unlicensed individual to provide therapy in her absence on June 12, 2000.

Patient C.F.

D. On or about August 23, 1999, patient C.F. presented to respondent with a diagnosis of Asprain/strain neck,@ and Adisorders of bursae/tendons unspec., shoulder reg.@ Respondent provided physical therapy to patient C.F. on approximately thirteen dates between on or about August 23, 1999, and on or about September 29, 1999. On each occasion, respondent provided treatment modalities with ice, electrical muscle stimulation, ultrasound, myofascial release and/or exercise. Respondent=s records do not indicate where the treatment was provided, how the treatment was provided nor what the results of the treatment were. Patient C.F. was a workers compensation patient and a workers comp carrier was billed for the therapy provided.

E. On or about September 13, 15, 17, and 20, 1999, respondent=s chart for

1 patient C.F. indicates that respondent provided physical therapy to patient C.F. However,
2 respondent was in Hawaii on these dates and could not have provided therapy.
3 Respondent billed workers comp \$1,095.00 for therapy for these dates as if she had
4 provided it.

5 F. On or about November 24, 1999, respondent placed an incomplete
6 discharge summary in patient C.F.'s chart. It is not possible to determine from the
7 summary if patient C.F. improved from the care she received from respondent.

8 G. Respondent was grossly negligent when she (1) failed between August 23,
9 and September 29, 1999, to properly document patient C.F.'s chart as to where the
10 treatment was provided, how the treatment was provided and what the results of the
11 treatment were; (2) created a false record by initialing for care on September 13, 15, 17,
12 and 20, 1999, that she did not provide; (3) falsely billed workers comp for therapy on
13 September 13, 15, 17, and 20, 1999, as if she had provided it; (4) aided and abetted the
14 unlicensed practice of physical therapy by permitting an unlicensed individual to provide
15 therapy in her absence on September 13, 15, 17, and 20, 1999; and (5) failed to properly
16 annotate patient C.F.'s discharge summary on or about November 24, 1999.

17 Patient A.B.

18 H. On or about June 7, 2000, patient A.B. presented to respondent with a
19 diagnosis of Asprain/strain, lumbar.@ Respondent provided physical therapy to patient
20 A.B. on approximately fourteen dates between on or about June 7, 2000, and on or about
21 November 8, 2000. On each occasion, respondent provided treatment modalities with
22 ice, electrical muscle stimulation, ultrasound, myofascial release and/or exercise.
23 Respondent's records do not indicate where the treatment was provided, how the
24 treatment was provided nor what the results of the treatment were. Patient A.B. was a
25 workers compensation patient and a workers comp carrier was billed for the therapy
26 provided.

1 I. On or about September July 7 and 10, 2000, respondent=s chart for patient
2 A.B. indicates that respondent provided physical therapy to patient A.B. However,
3 respondent was in Hawaii on these dates and could not have provided therapy.
4 Respondent billed workers comp \$500.00 for therapy for these dates as if she had
5 provided it. On or about September 6, 2000, respondent=s chart for patient A.B. indicates
6 that respondent provided physical therapy to patient A.B. However, that day was a
7 holiday and respondent=s clinic was closed. Respondent billed workers comp \$250.00
8 for therapy for this date as if she had provided it.

9 J. Respondent was grossly negligent when she (1) failed between on or about
10 June 7, and November 8, 2000, to properly document patient A.B.=s chart as to where
11 the treatment was provided, how the treatment was provided and what the results of the
12 treatment were; (2) created a false record by initialing for care on or about July 7 and 10,
13 2000, and September 6, 2000, that she did not provide; (3) falsely billed workers comp
14 for therapy on or about July 7 and 10, 2000, and September 6, 2000, as if she had
15 provided it; and (4) aided and abetted the unlicensed practice of physical therapy by
16 permitting an unlicensed individual to provide therapy in her absence on or about July 7
17 and 10, 2000.

18 Patient D.C.

19 K. On or about January 14, 2000, patient D.C. presented to respondent with a
20 diagnosis of Asprain/strain, knee & leg, nos@ and Ajoint pain, lower leg.@ Respondent
21 provided physical therapy to patient D.C. on approximately eighteen dates between on or
22 about January 14, 2000, and on or about June 16, 2000. On each occasion, respondent
23 provided treatment modalities with ice, electrical muscle stimulation, ultrasound,
24 myofascial release and/or exercise. Respondent=s records do not indicate where the
25 treatment was provided, how the treatment was provided nor what the results of the
26 treatment were. Patient D.C. was a workers compensation patient and a workers comp

1 carrier was billed for the therapy provided.

2 L. On or about January 21, 2000, respondent=s chart for patient D.C.
3 indicates that respondent provided physical therapy to patient D.C. However, respondent
4 was absent from work that day and could not have provided physical therapy to patient
5 D.C. Respondent billed workers comp \$215.00 for therapy for this date as if she had
6 provided it. On or about June 12, 2000, respondent=s chart for patient D.C. indicates that
7 respondent provided physical therapy to patient D.C. However, respondent was at a
8 PTOS seminar at Disneyland on this date and could not have provided therapy.
9 Respondent billed workers comp \$250.00 for therapy for this date as if she had provided
10 it.

11 M. Respondent was grossly negligent when she (1) failed between on or about
12 January 14, 2000, and June 16, 2000, to properly document patient A.B.=s chart as to
13 where the treatment was provided, how the treatment was provided and what the results
14 of the treatment were; (2) created a false record by initialing for care on or about January
15 21, 2000, and June 12, 2000, that she did not provide; (3) falsely billed workers comp for
16 therapy on or about January 21, 2000, and June 12, 2000, as if she had provided it; and
17 (4) aided and abetted the unlicensed practice of physical therapy by permitting an
18 unlicensed individual to provide therapy in her absence on or about January 21, 2000,
19 and June 12, 2000.

20 Patient M.H.

21 N. On or about June 16, 2000, patient M.H. presented to respondent with a
22 diagnosis of Asprain/strain, neck,@ Acervicalgia,@ and Aother affections nos. shoulder
23 region.@ Respondent provided physical therapy to patient M.H. on approximately
24 thirteen dates between on or about June 16, 2000, and on or about July 21, 2000. On
25 each occasion, respondent provided treatment modalities with ice, electrical muscle
26 stimulation, ultrasound, myofascial release and/or exercise. Respondent=s records do not

1 indicate where the treatment was provided, how the treatment was provided nor what the
2 results of the treatment were. Patient M.H. was a workers compensation patient and a
3 workers comp carrier was billed for the therapy provided.

4 O. On or about July 5 and 10, 2000, respondent=s chart for patient D.C.
5 indicates that respondent provided physical therapy to patient D.C. However, respondent
6 was on vacation those days and could not have provided physical therapy to patient D.C.
7 Respondent billed workers comp \$500.00 for therapy for these dates as if she had
8 provided it.

9 P. On or about July 21, 2000, respondent placed an incomplete discharge
10 summary in patient M.H.=s chart. It is not possible to determine from the summary
11 patient M.H.=s progress with the treatment program or the outcome from the care he
12 received from respondent.

13 Q. Respondent was grossly negligent when she (1) failed between on or about
14 June 16, 2000, and July 21, 2000, to properly document patient M.H.=s chart as to where
15 the treatment was provided, how the treatment was provided and what the results of the
16 treatment were; (2) created a false record by initialing for care on or about July 5, 2000,
17 and July 10, 2000, that she did not provide; (3) falsely billed workers comp for therapy
18 on or about July 5, 2000, and July 10, 2000, as if she had provided it; and (4) aided and
19 abetted the unlicensed practice of physical therapy by permitting an unlicensed individual
20 to provide therapy in her absence on or about July 5, 2000, and July 10, 2000.

21 Patient K.M.

22 R. On or about May 8, 2000, patient K.M. presented to respondent with a
23 diagnosis of Asprain/strain, shoulder/upper arm, other spec. sites,@ and Aother affections
24 nos. shoulder region.@ Respondent provided physical therapy to patient K.M. on
25 approximately seven dates between on or about May 8, 2000, and on or about June 12,
26 2000. On each occasion, respondent provided treatment modalities with ice, electrical

1 muscle stimulation, ultrasound, myofascial release and/or exercise. Respondent=s
2 records do not indicate where the treatment was provided, how the treatment was
3 provided nor what the results of the treatment were. Patient K.M. was a workers
4 compensation patient and a workers comp carrier was billed for the therapy provided.

5 S. On or about June 12, 2000, respondent=s chart for patient K.M. indicates
6 that respondent provided physical therapy to patient K.M. However, respondent was at a
7 PTOS seminar at Disneyland on this date and could not have provided therapy.
8 Respondent billed workers comp \$250.00 for therapy for these dates as if she had
9 provided it.

10 T. Respondent was grossly negligent when she (1) failed between on or about
11 May 8, 2000, and June 12, 2000, to properly document patient K.M.=s chart as to where
12 the treatment was provided, how the treatment was provided and what the results of the
13 treatment were; (2) created a false record by initialing for care on or about June 12, 2000,
14 that she did not provide; (3) falsely billed workers comp for therapy on or about June 12,
15 2000, as if she had provided it; and (4) aided and abetted the unlicensed practice of
16 physical therapy by permitting an unlicensed individual to provide therapy in her absence
17 on or about June 12, 2000.

18 Patient R.G.

19 U. On or about June 5, 2000, patient R.G. presented to respondent with a
20 diagnosis of Acarpal tunnel syndrome.@ Respondent provided physical therapy to patient
21 R.G. on approximately eleven dates between on or about June 5, 2000, and on or about
22 July 12, 2000. On each occasion, respondent provided treatment modalities with ice,
23 electrical muscle stimulation, ultrasound, myofascial release and/or exercise.
24 Respondent=s records do not indicate where the treatment was provided, how the
25 treatment was provided nor what the results of the treatment were. Patient R.G. was a
26 workers compensation patient and a workers comp carrier was billed for the therapy

1 provided.

2 V. On or about June 12, 2000, respondent=s chart for patient R.G. indicates
3 that respondent provided physical therapy to patient R.G. However, respondent was at a
4 PTOS seminar at Disneyland on this date and could not have provided therapy.
5 Respondent billed workers comp \$250.00 for therapy for these dates as if she had
6 provided it. On or about July 5 and 7, 2000, respondent=s chart for patient R.G. indicates
7 that respondent provided physical therapy to patient R.G. However, respondent was on
8 vacation those days and could not have provided physical therapy to patient R.G.
9 Respondent billed workers comp \$215.00 for therapy for these dates as if she had
10 provided it.

11 W. Respondent was grossly negligent when she (1) failed between on or about
12 June 5, 2000, and July 12, 2000, to properly document patient R.G.=s chart as to where
13 the treatment was provided, how the treatment was provided and what the results of the
14 treatment were; (2) created a false record by initialing for care on or about June 12, 2000,
15 and July 5 and 7, 2000, that she did not provide; (3) falsely billed workers comp for
16 therapy on or about June 12, 2000, and July 5 and 7, 2000, as if she had provided it; and
17 (4) aided and abetted the unlicensed practice of physical therapy by permitting an
18 unlicensed individual to provide therapy in her absence on or about June 12, 2000, and
19 July 5 and 7, 2000.

20 SECOND CAUSE FOR DISCIPLINE

21 (Dishonesty)

22 14. Respondent is subject to disciplinary action under section 2660,
23 subsection (l) of the Code in that she committed fraudulent, dishonest, or corrupt acts which are
24 substantially related to the qualifications, functions, or duties of a physical therapist. The
25 circumstances are as follows:

26 Patient L.J.

27

1 A. The facts and allegations in paragraphs 13.A. and 13.B. are incorporated
2 here as if fully set forth.

3 B. Respondent created a false record by initialing for care for patient L.J. on
4 or about June 12, 2000, that she did not provide.

5 C. Respondent falsely billed workers comp for therapy for patient L.J. on
6 June 12, 2000, as if she had provided it.

7 ////

8 Patient C.F.

9 D. The facts and allegations in paragraphs 13.D. through 13.F. are
10 incorporated here as if fully set forth.

11 E. Respondent created a false record by initialing for care for patient C.F. on
12 or about September 13, 15, 17, and 20,1999, that she did not provide.

13 F. Respondent falsely billed workers comp for therapy for patient C.F. on or
14 about September 13, 15, 17, and 20,1999, as if she had provided it.

15 Patient A.B.

16 G. The facts and allegations in paragraphs 13.H. and 13.I. are incorporated
17 here as if fully set forth.

18 H. Respondent created a false record by initialing for care for patient A.B. on
19 or about July 7 and 10, 2000, and September 6, 2000, that she did not provide.

20 I. Respondent falsely billed workers comp for therapy for patient A.B. on or
21 about July 7 and 10, 2000, and September 6, 2000, as if she had provided it.

22 Patient D.C.

23 G. The facts and allegations in paragraphs 13.K. and 13.M. are incorporated
24 here as if fully set forth.

25 H. Respondent created a false record by initialing for care for patient D.C. on
26 or about January 21, 2000, and June 12, 2000, that she did not provide.

1 I. Respondent falsely billed workers comp for therapy for patient D.C. on or
2 about January 21, 2000, and June 12, 2000, as if she had provided it.

3 Patient M.H.

4 J. The facts and allegations in paragraphs 13.N. through 13.P. are
5 incorporated here as if fully set forth.

6 K. Respondent created a false record by initialing for care for patient M.H. on
7 or about July 5, 2000, and July 10, 2000, that she did not provide.

8 L. Respondent falsely billed workers comp for therapy for patient M.H. on or
9 about July 5, 2000, and July 10, 2000, as if she had provided it.

10 Patient K.M.

11 J. The facts and allegations in paragraphs 13.R. and 13.S. are incorporated
12 here as if fully set forth.

13 K. Respondent created a false record by initialing for care for patient K.M. on
14 or about June 12, 2000, that she did not provide.

15 L. Respondent falsely billed workers comp for therapy for patient K.M. on or
16 about June 12, 2000, as if she had provided it.

17 Patient R.G.

18 M. The facts and allegations in paragraphs 13.U. and 13.V. are incorporated
19 here as if fully set forth.

20 N. Respondent created a false record by initialing for care for patient R.G. on
21 or about June 12, 2000, and July 5 and 7, 2000 that she did not provide.

22 L. Respondent falsely billed workers comp for therapy for patient R.G. on or
23 about June 12, 2000, and July 5 and 7, 2000, as if she had provided it.

24 THIRD CAUSE FOR DISCIPLINE

25 (Aiding the Unlicensed Practice of Physical Therapy)

26 15 Respondent is subject to disciplinary action under section 2660,

27

subsection (k) of the Code in that she aided or abetted persons to engage in the unlawful practice of physical therapy. The circumstances are as follows:

Patient L. J.

A. The facts and allegations in paragraphs 13.A. and 13.B. are incorporated here as if fully set forth.

B. Inasmuch as respondent did not make arrangements for a licensed physical therapist to supervise her office and/or provide physical therapy services in her absence on or about June 12, 2000, physical therapy services were provided by her staff which included aides and/or physical therapy assistants, but no other licensed physical therapists. Accordingly, respondent aided and abetted the unlicensed practice of physical therapy by permitting an unlicensed individual to provide therapy in respondent=s absence on or about June 12, 2000.

Patient C.F.

C. The facts and allegations in paragraphs 13.D. through 13.F. are incorporated here as if fully set forth.

D. Inasmuch as respondent did not make arrangements for a licensed physical therapist to supervise her office and/or provide physical therapy services in her absence on or about September 13, 15, 17, and 20, 1999, physical therapy services were provided by her staff which included aides and/or physical therapy assistants, but no other licensed physical therapists. Accordingly, respondent aided and abetted the unlicensed practice of physical therapy by permitting an individual who did not hold a physical therapy license to provide therapy to patient C.F. in respondent=s absence on or about September 13, 15, 17, and 20, 1999.

Patient A.B.

E. The facts and allegations in paragraphs 13.H. and 13.I.. are incorporated here as if fully set forth.

1 F. Inasmuch as respondent did not make arrangements for a licensed physical
2 therapist to supervise her office and/or provide physical therapy services in her absence
3 on or about July 7 and 10, 2000, physical therapy services were provided by her staff
4 which included aides and/or physical therapy assistants, but no other licensed physical
5 therapists. Accordingly, respondent aided and abetted the unlicensed practice of physical
6 therapy by permitting an unlicensed individual to provide therapy to patient A.B. in
7 respondent=s absence on or about July 7 and 10, 2000.

8 Patient D.C.

9 G. The facts and allegations in paragraphs 13.K. and 13.M.. are incorporated
10 here as if fully set forth.

11 H. Inasmuch as respondent did not make arrangements for a licensed physical
12 therapist to supervise her office and/or provide physical therapy services in her absence
13 on or about January 21, 2000, and June 12, 2000, physical therapy services were
14 provided by her staff which included aides and/or physical therapy assistants, but no
15 other licensed physical therapists. Accordingly, respondent aided and abetted the
16 unlicensed practice of physical therapy by permitting an unlicensed individual to provide
17 therapy to patient D.C. in respondent=s absence on or about January 21, 2000, and June
18 12, 2000.

19 Patient M.H.

20 I. The facts and allegations in paragraphs 13.N. through 13.P. are
21 incorporated here as if fully set forth.

22 J. Inasmuch as respondent did not make arrangements for a licensed physical
23 therapist to supervise her office and/or provide physical therapy services in her absence
24 on or about July 5, 2000, and July 10, 2000, physical therapy services were provided by
25 her staff which included aides and/or physical therapy assistants, but no other licensed
26 physical therapists. Accordingly, respondent aided and abetted the unlicensed practice of

1 physical therapy by permitting an unlicensed individual to provide therapy to patient
2 M.H. in respondent=s absence on or about July 5, 2000, and July 10, 2000.

3 Patient K.M.

4 K. The facts and allegations in paragraphs 13.R. and 13.S. are incorporated
5 here as if fully set forth.

6 L. Inasmuch as respondent did not make arrangements for a licensed physical
7 therapist to supervise her office and/or provide physical therapy services in her absence
8 on or about June 12, 2000, physical therapy services were provided by her staff which
9 included aides and/or physical therapy assistants, but no other licensed physical
10 therapists. Accordingly, respondent aided and abetted the unlicensed practice of physical
11 therapy by permitting an unlicensed individual to provide therapy to patient K.M. in
12 respondent=s absence on or about June 12, 2000.

13 Patient R.G.

14 M. The facts and allegations in paragraphs 13.U. and 13.V. are incorporated
15 here as if fully set forth.

16 N. Inasmuch as respondent did not make arrangements for a licensed physical
17 therapist to supervise her office and/or provide physical therapy services in her absence
18 on or about June 12, 2000, and July 5 and 7, 2000, physical therapy services were
19 provided by her staff which included aides and/or physical therapy assistants, but no
20 other licensed physical therapists. Accordingly, respondent aided and abetted the
21 unlicensed practice of physical therapy by permitting an unlicensed individual to provide
22 therapy to patient R.G. in respondent=s absence on or about June 12, 2000, and July 5
23 and 7, 2000.

24 FOURTH CAUSE FOR DISCIPLINE

25 (Failure to Supervise)

26 16 Respondent is subject to disciplinary action under section 2630 of the

Code, California Code of Regulations, title 16, section 1399, and/or California Code of Regulations, title 16, section 1398.44, in that respondent failed to properly supervise aide(s) and/or physical therapy assistants in providing physical therapy to patients. The circumstances are as follows:

Patient L.J.

A. The facts and allegations in paragraphs 13.A. and 13.B. are incorporated here as if fully set forth.

B. Inasmuch as respondent did not make arrangements for a licensed physical therapist to supervise her office and/or provide physical therapy services in her absence on or about June 12, 2000, physical therapy services were provided by her staff which included aides and/or physical therapy assistants, but no other licensed physical therapists. Accordingly, on or about June 12, 2000, respondent failed to properly supervise a physical therapy aide who provided physical therapy to patient L. J. when respondent was not physically present on the premises.

Patient C.F.

C. The facts and allegations in paragraphs 13.D. through 13.F. are incorporated here as if fully set forth.

D. Inasmuch as respondent did not make arrangements for a licensed physical therapist to supervise her office and/or provide physical therapy services in her absence on or about September 13, 15, 17, and 20, 1999, physical therapy services were provided by her staff which included aides and/or physical therapy assistants, but no other licensed physical therapists. Accordingly, on or about September 13, 15, 17, and 20, 1999, respondent failed to properly supervise a physical therapy aide and/or physical therapy assistant who provided physical therapy to patient C.F. when respondent was not physically present on the premises or otherwise readily available.

Patient A.B.

1 E. The facts and allegations in paragraphs 13.H. and 13.I. are incorporated
2 here as if fully set forth.

3 F. Inasmuch as respondent did not make arrangements for a licensed physical
4 therapist to supervise her office and/or provide physical therapy services in her absence
5 on or about July 7 and 10, 2000, physical therapy services were provided by her staff
6 which included aides and/or physical therapy assistants, but no other licensed physical
7 therapists. Accordingly, on or about July 7 and 10, 2000, respondent failed to properly
8 supervise a physical therapy aide who provided physical therapy to patient A.B. when
9 respondent was not physically present on the premises.

10 Patient D.C.

11 G. The facts and allegations in paragraphs 13.K. and 13.M. are incorporated
12 here as if fully set forth.

13 H. Inasmuch as respondent did not make arrangements for a licensed physical
14 therapist to supervise her office and/or provide physical therapy services in her absence
15 on or about January 21, 2000, and June 12, 2000, physical therapy services were
16 provided by her staff which included aides and/or physical therapy assistants, but no
17 other licensed physical therapists. Accordingly, on or about January 21, 2000, and June
18 12, 2000, respondent failed to properly supervise a physical therapy aide who provided
19 physical therapy to patient D.C. when respondent was not physically present on the
20 premises.

21 Patient M.H.

22 I. The facts and allegations in paragraphs 13.N. through 13.P. are
23 incorporated here as if fully set forth.

24 J. Inasmuch as respondent did not make arrangements for a licensed physical
25 therapist to supervise her office and/or provide physical therapy services in her absence
26 on or about July 5, 2000, and July 10, 2000, physical therapy services were provided by

1 her staff which included aides and/or physical therapy assistants, but no other licensed
2 physical therapists. Accordingly, on or about July 5, 2000, and July 10, 2000, respondent
3 failed to properly supervise a physical therapy aide who provided physical therapy to
4 patient M.H. when respondent was not physically present on the premises.

5 Patient K.M.

6 K. The facts and allegations in paragraphs 13.R. and 13.S. are incorporated
7 here as if fully set forth.

8 L. Inasmuch as respondent did not make arrangements for a licensed physical
9 therapist to supervise her office and/or provide physical therapy services in her absence
10 on or about June 12, 2000, physical therapy services were provided by her staff which
11 included aides and/or physical therapy assistants, but no other licensed physical
12 therapists. Accordingly, on or about June 12, 2000, respondent failed to properly
13 supervise a physical therapy aide who provided physical therapy to patient K.M. when
14 respondent was not physically present on the premises.

15 Patient R.G.

16 M. The facts and allegations in paragraphs 13.U. and 13.V. are incorporated
17 here as if fully set forth.

18 N. Inasmuch as respondent did not make arrangements for a licensed physical
19 therapist to supervise her office and/or provide physical therapy services in her absence
20 on or about June 12, 2000, and July 5 and 7, 2000, physical therapy services were
21 provided by her staff which included aides and/or physical therapy assistants, but no
22 other licensed physical therapists. Accordingly, on or about June 12, 2000, and July 5
23 and 7, 2000, respondent failed to properly supervise a physical therapy aide who
24 provided physical therapy to patient R.G. when respondent was not physically present on
25 the premises.

26 PRAYER

1 WHEREFORE, Complainant requests that a hearing be held on the matters herein
2 alleged, and that following the hearing, the Physical Therapy Board of California issue a
3 decision:

4 1 Revoking or suspending Physical Therapist License Number PT 9115,
5 issued to Barbara Jean Stacy;

6 2 Ordering Barbara Jean Stacy to pay the Physical Therapy Board of
7 California the reasonable costs of the investigation and enforcement of this case, pursuant to
8 Business and Professions Code section 2661.5;

9 3 Taking such other and further action as deemed necessary and proper.
10 DATED: January 7, 2003

11
12 Original signed by Steven K. Hartzell
13 STEVEN K. HARTZELL
14 Executive Officer
15 Physical Therapy Board of California
 Department of Consumer Affairs
 State of California
 Complainant

16 03575160-LA021306

